

# Notice of Allowability

Application No.

10/038,344

Examiner

Nathan Erb

Applicant(s)

ZHANG ET AL.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 21 December 2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Allowable Subject Matter*

1. Claims 1-20 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

Claim 1

The closest prior art of record is Zumel et al., U.S. Patent Application Publication No. US 2002/0095327 A1, Gefen et al., WO 00/31607, and Thomas, Jr., George B., and Finney, Ross L., Calculus and Analytic Geometry, 1992, Addison-Wesley Publishing Company, 8th Edition, pp. 39-40, 208-209.

Zumel et al. discloses utilizing demand information to determine optimal pricing.

Gefen et al. discloses utilizing demand information to determine optimal pricing.

Thomas, Jr. et al. discloses a mathematical method by which the applicants' invention could possibly be derived (see the first Office action for this application).

As per claim 1, the closest prior art of record taken either individually or in combination with other prior art of record fails to teach or suggest: determining position information associated with a first reference line and a second reference line; accessing a first angle, said first angle calculated by determining the angle between said first reference line and said second reference line; accessing a second angle, said second angle calculated by determining the angle between said first reference line and a line running tangent to said demand curve at said price; determining whether said first angle is equal to said second angle; and changing said price and accessing said first angle, accessing said second angle, and determining whether said first angle is equal to said second angle until a price is found at which said first angle is equal to said second angle.

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Claims 5, 11, and 16

The closest prior art of record is Zumel et al., Gefen et al., and Thomas, Jr. et al.

Zumel et al. discloses utilizing demand information to determine optimal pricing.

Gefen et al. discloses utilizing demand information to determine optimal pricing.

Thomas, Jr. et al. discloses a mathematical method by which the applicants' invention could possibly be derived (see the first Office action for this application).

As per claims 5, 11, and 16, the closest prior art of record taken either individually or in combination with other prior art of record fails to teach or suggest: performing a geometric calculation using a first price and using said demand curve so as to determine a plurality of additional prices; determining geometric error associated with said first price and said additional prices; changing said first price when said first price does not minimize said geometric error; and performing said geometric calculation, determining said geometric error and changing said first price until a first price and additional prices are found that minimize said geometric error.

Claim 8

The closest prior art of record is Zumel et al., Gefen et al., and Thomas, Jr. et al.

Zumel et al. discloses utilizing demand information to determine optimal pricing.

Gefen et al. discloses utilizing demand information to determine optimal pricing.

Thomas, Jr. et al. discloses a mathematical method by which the applicants' invention could possibly be derived (see the first Office action for this application).

As per claim 8, the closest prior art of record taken either individually or in combination with other prior art of record fails to teach or suggest: determining an initial price for each product by multiplying the cost of each product by a multiplier; determining additional prices

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that maximize revenue for each product (for the meaning of this step when taken in the context of the rest of the claim), determining the total cost of said plurality of products; changing said multiplier when said total cost of said products is not equal to a budget; and continuing to perform said determining an initial price, determining additional prices, determining the total cost, and changing said multiplier until said total cost of said products is near the amount of said budget.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

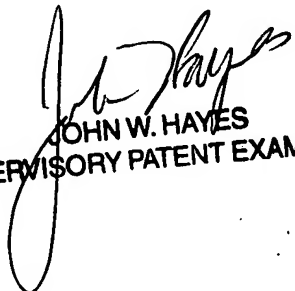
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb  
Examiner  
Art Unit 3628

nhe



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER